



Rep. Jay C. Hoffman

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1 AMENDMENT TO HOUSE BILL 2316

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2316 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by changing  
5 Sections 8h and 8j and by adding Section 8n as follows:

6 (30 ILCS 105/8h)

7 Sec. 8h. Transfers to General Revenue Fund.

8 (a) Except as otherwise provided in this Section and  
9 Section 8n of this Act, and ~~subsection (b),~~ notwithstanding any  
10 other State law to the contrary, the Governor may, through June  
11 30, 2007, from time to time direct the State Treasurer and  
12 Comptroller to transfer a specified sum from any fund held by  
13 the State Treasurer to the General Revenue Fund in order to  
14 help defray the State's operating costs for the fiscal year.  
15 The total transfer under this Section from any fund in any  
16 fiscal year shall not exceed the lesser of (i) 8% of the  
17 revenues to be deposited into the fund during that fiscal year  
18 or (ii) an amount that leaves a remaining fund balance of 25%  
19 of the July 1 fund balance of that fiscal year. In fiscal year  
20 2005 only, prior to calculating the July 1, 2004 final  
21 balances, the Governor may calculate and direct the State  
22 Treasurer with the Comptroller to transfer additional amounts  
23 determined by applying the formula authorized in Public Act  
24 93-839 to the funds balances on July 1, 2003. No transfer may

1 be made from a fund under this Section that would have the  
2 effect of reducing the available balance in the fund to an  
3 amount less than the amount remaining unexpended and unreserved  
4 from the total appropriation from that fund estimated to be  
5 expended for that fiscal year.

6 This Section does not apply to any funds that are  
7 restricted by federal law to a specific use, to any funds in  
8 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the  
9 Hospital Provider Fund, the Medicaid Provider Relief Fund, the  
10 Teacher Health Insurance Security Fund, the Reviewing Court  
11 Alternative Dispute Resolution Fund, ~~or~~ the Voters' Guide Fund,  
12 the Foreign Language Interpreter Fund, the Lawyers' Assistance  
13 Program Fund, the Supreme Court Federal Projects Fund, the  
14 Supreme Court Special State Projects Fund, ~~or~~ the Low-Level  
15 Radioactive Waste Facility Development and Operation Fund, or  
16 the Hospital Basic Services Preservation Fund, or to any funds  
17 to which subsection (f) of Section 20-40 of the Nursing and  
18 Advanced Practice Nursing Act applies. No transfers may be made  
19 under this Section from the Pet Population Control Fund.

20 Notwithstanding any other provision of this Section, for  
21 fiscal year 2004, the total transfer under this Section from  
22 the Road Fund or the State Construction Account Fund shall not  
23 exceed the lesser of (i) 5% of the revenues to be deposited  
24 into the fund during that fiscal year or (ii) 25% of the  
25 beginning balance in the fund. For fiscal year 2005 through  
26 fiscal year 2007, no amounts may be transferred under this  
27 Section from the Road Fund, the State Construction Account  
28 Fund, the Criminal Justice Information Systems Trust Fund, the  
29 Wireless Service Emergency Fund, or the Mandatory Arbitration  
30 Fund.

31 In determining the available balance in a fund, the  
32 Governor may include receipts, transfers into the fund, and  
33 other resources anticipated to be available in the fund in that  
34 fiscal year.

1 The State Treasurer and Comptroller shall transfer the  
2 amounts designated under this Section as soon as may be  
3 practicable after receiving the direction to transfer from the  
4 Governor.

5 (a-5) Transfers directed to be made under this Section on  
6 or before February 28, 2006 that are still pending on the  
7 effective date of this amendatory Act of the 94th General  
8 Assembly shall be redirected as provided in Section 8n of this  
9 Act.

10 (b) This Section does not apply to: (i) the Ticket For The  
11 Cure Fund; (ii) or to any fund established under the Community  
12 Senior Services and Resources Act; or (iii) ~~(ii)~~ on or after  
13 January 1, 2006 (the effective date of Public Act 94-511) ~~this~~  
14 amendatory Act of the 94th General Assembly, the Child Labor  
15 and Day and Temporary Labor Enforcement Fund.

16 (c) This Section does not apply to the Demutualization  
17 Trust Fund established under the Uniform Disposition of  
18 Unclaimed Property Act.

19 (d) ~~(e)~~ This Section does not apply to moneys set aside in  
20 the Illinois State Podiatric Disciplinary Fund for podiatric  
21 scholarships and residency programs under the Podiatric  
22 Scholarship and Residency Act.

23 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,  
24 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;  
25 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.  
26 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.  
27 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,  
28 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;  
29 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; revised 1-23-06.)

30 (30 ILCS 105/8j)

31 Sec. 8j. Allocation and transfer of fee receipts to General  
32 Revenue Fund. Except as otherwise provided in this Section and  
33 Section 8n of this Act, and notwithstanding ~~Notwithstanding~~ any

1 other law to the contrary, additional amounts generated by the  
2 new and increased fees created or authorized by Public Acts  
3 93-22, 93-23, 93-24, and 93-32 shall be allocated between the  
4 fund otherwise entitled to receive the fee and the General  
5 Revenue Fund by the Governor ~~Governor's Office of Management  
6 and Budget~~. In determining the amount of the allocation to the  
7 General Revenue Fund, the Governor ~~Director of the Governor's  
8 Office of Management and Budget~~ shall calculate whether the  
9 available resources in the fund are sufficient to satisfy the  
10 unexpended and unreserved appropriations from the fund for the  
11 fiscal year.

12 In calculating the available resources in a fund, the  
13 Governor ~~Director of the Governor's Office of Management and  
14 Budget~~ may include receipts, transfers into the fund, and other  
15 resources anticipated to be available in the fund in that  
16 fiscal year.

17 Upon determining the amount of an allocation to the General  
18 Revenue Fund under this Section, the Governor ~~Director of the  
19 Governor's Office of Management and Budget~~ may direct the State  
20 Treasurer and Comptroller to transfer the amount of that  
21 allocation from the fund in which the fee amounts have been  
22 deposited to the General Revenue Fund; provided, however, that  
23 the Governor ~~Director~~ shall not direct the transfer of any  
24 amount that would have the effect of reducing the available  
25 resources in the fund to an amount less than the amount  
26 remaining unexpended and unreserved from the total  
27 appropriation from that fund for that fiscal year.

28 The State Treasurer and Comptroller shall transfer the  
29 amounts designated under this Section as soon as may be  
30 practicable after receiving the direction to transfer from the  
31 Governor ~~Director of the Governor's Office of Management and  
32 Budget~~.

33 This Section does not apply to the Demutualization Trust  
34 Fund established under the Uniform Disposition of Unclaimed

1 Property Act.

2 Transfers directed to be made under this Section on or  
3 before February 28, 2006 that are still pending on the  
4 effective date of this amendatory Act of the 94th General  
5 Assembly shall be redirected as provided in Section 8n of this  
6 Act.

7 (Source: P.A. 93-25, eff. 6-20-03; 93-32, eff. 6-20-03; 94-686,  
8 eff. 11-2-05.)

9 (30 ILCS 105/8n new)

10 Sec. 8n. Redirected fund transfers.

11 (a) Transfers directed to be made under Section 8h of this  
12 Act on or before February 28, 2006 that are still pending on  
13 the effective date of this amendatory Act of the 94th General  
14 Assembly shall be redirected and completed as provided in  
15 subsections (c) and (d) of this Section.

16 (b) Transfers directed to be made under Section 8j of this  
17 Act on or before February 28, 2006 that are still pending on  
18 the effective date of this amendatory Act of the 94th General  
19 Assembly shall be redirected and completed as provided in  
20 subsections (c) and (d) of this Section.

21 (c) The first \$250,000,000 of transfers that are subject to  
22 redirection under this Section shall be redirected as follows:

23 (1) one-third of each amount directed to be transferred  
24 to the General Revenue Fund shall be transferred to the  
25 Drug Rebate Fund instead of the General Revenue Fund;

26 (2) one-third of each amount directed to be transferred  
27 to the General Revenue Fund shall be transferred to the  
28 Hospital Provider Fund instead of the General Revenue Fund;  
29 and

30 (3) one-third of each amount directed to be transferred  
31 to the General Revenue Fund shall be transferred to the  
32 Long-term Care Provider Fund instead of the General Revenue  
33 Fund.

1       If the aggregate amount of all transfers that are subject  
2 to redirection under this Section exceeds \$250,000,000, the  
3 excess over that amount shall be transferred to the General  
4 Revenue Fund.

5       (d) All transfers redirected by this Section must be  
6 completed by the State Comptroller and State Treasurer within 7  
7 days after the effective date of this amendatory Act of the  
8 94th General Assembly.

9       Section 99. Effective date. This Act takes effect upon  
10 becoming law.".